

401 KAR 8:600. Secondary standards.

RELATES TO: KRS 224.10-100(28), 224.10-110, 40 C.F.R. 143, EO 2008-507, 2008-531

STATUTORY AUTHORITY: KRS 224.10-100, 224.10-110, 40 C.F.R. 143, 42 U.S.C. 300f, 300g, 300j

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-110 requires the cabinet to enforce the administrative regulations adopted by the secretary for the administrative regulation and control of the purification of water for public and semipublic use. EO 2008-507 and 2008-531, effective June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new Energy and Environment Cabinet. This administrative regulation establishes maximum contaminant levels and requirements for the sampling and testing for contaminants that do not have a direct impact on the health of consumers, but may discourage the utilization of drinking water or discredit the supplier. Provisions for these contaminants are referred to as "secondary standards". This administrative regulation establishes sampling schedules and requires public water systems to modify treatment to comply with maximum levels established by the federal regulation. Federal regulations leave monitoring frequency and consequences for exceeding secondary standards to primacy agency discretion.

Section 1. Sampling, Analysis, Reporting, and Treatment for Secondary Contaminants. (1) A public water system that treats groundwater or surface water shall sample for secondary contaminants in accordance with [40 C.F.R. 143.1 through 143.4](#), with the following additions:

(a) An analysis for secondary contaminants shall be performed if a new source of water supply is proposed to the cabinet for preliminary approval pursuant to [401 KAR 8:100](#), Section 1. Excessive amounts of these contaminants or excessive costs for their removal shall be grounds for rejection of the proposed source of water;

(b) An existing public water system that treats groundwater or surface water shall sample for, analyze, and report the secondary contaminants listed in [40 C.F.R. 143.3](#) annually, and if consumer complaints indicate the presence of one (1) or more of these contaminants. Treatment shall be adequate to assure that the secondary contaminant level does not exceed the maximum level limits established in [40 C.F.R. 143.3](#); and

(c) A sample shall be taken from each entry point to the distribution system.

(2) If a secondary maximum contaminant level established in [40 C.F.R. 143.3](#) is exceeded by a supplier of water, the cabinet may direct that supplier to modify the treatment procedure or to locate a more suitable source of water if the exceeded contaminant level results in a violation of the primary drinking water standards or in consumer complaints. (17 Ky.R. 641; eff. 11-15-1990; Am. 20 Ky.R. 3091; eff. 7-27-1994; 23 Ky.R. 2612; eff. 5-14-1997; 35 Ky.R. 2812; 36 Ky.R. 411; eff. 9-25-2009.)